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Attorney for Plaintiffs Callahan

IN THE DISTRICT COURT OF THE UNITED STATES
 IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

WILLIAM and ANITA CALLAHAN,
 husband and wife;

Plaintiffs;

Vs.

DEPARTMENT OF SOCIAL AND
 HEALTH SERVICES, (DSHS) an
 executive branch division of the STATE
 OF WASHINGTON; DENNIS
 BRADDOCK, Secretary of DSHS;
 PAMELA LAMB, an employee of
 DSHS; DEBRA BOND, an employee of
 DSHS; MARGARET LOZANO, a
 former employee of DSHS; JOHN
 DOES NOS. 1 -50;

Defendants.

NO. CV-05-3045-LRS

[Proposed] ORDER RE. DISMISSAL
 OF FEDERAL CLAIMS, AND
 STIPULATION FOR TRANSFER OF
 STATE CLAIMS TO YAKIMA
 COUNTY SUPERIOR COURT, AND
 DISMISSAL OF INDIVIDUAL
 PARTIES, RETAINING
 DEFENDANT STATE OF
 WASHINGTON

Order re. stipulation for remand, dismissal of
 federal claims, etc. - 1

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1
2 THIS MATTER has come on pursuant State Defendants' Motion to Dismiss
3 Federal Claims and Transfer the Remaining State Law Claims to State Court
4 Pursuant ot Stipulation of Parties, the agreement and stipulations of the parties, and
5 the Court having found good cause for the entry of orders adopting the parties'
6 stipulations and entering orders in conformance with the parties' stipulations, now,
7 therefore, it is hereby
8

9
10 ORDERED, ADJUDGED AND DECREED:
11

12 1. The plaintiffs' federal claims, involving federal statutory claims and federal
13 Constitutional claims, brought under 42 U.S.C. §1983 and otherwise, are hereby
14 dismissed with prejudice.
15

16 2. The named defendant in this action should be limited to the Department of
17 Social and Health Services, an executive branch division of the State of
18 Washington.
19

20 3. That jurisdiction of plaintiffs' state negligence claim is proper in the
21 Superior Court of the State of Washington.
22

23 4. That venue of plaintiffs' state negligence claim is proper in the State of
24 Washington Yakima County Superior Court.
25

26
27 Order re. stipulation for remand, dismissal of
28 federal claims, etc. - 2

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1 5. Pursuant to the provisions of *Manning v. Jones*, 696 F. Supp. 1231 (1988)
2 and based on the stipulated dismissal of plaintiffs' federal claims, plaintiffs' state
3 law negligence claim is hereby transferred to the State of Washington, Yakima
4 County Superior Court retaining the commencement date of the state claims to be
5 the same as the commencement date of this instant action as the claims which this
6 Court's pendant jurisdiction relied, are no longer part of this action.
7

8
9 6. The Clerk of the this Court is directed to maintain this record in its entirety
10 with the records of this court and is further directed to transfer the plaintiff's
11 remaining pendent state law claims to the Yakima Country Superior Court, State of
12 Washington by filing copies of the entire record of this case with said Court.
13
14

15 7. It is further ordered, that defendant Department of Social and Health
16 Services, an executive branch division of the State of Washington shall file an
17 amended answer in Yakima County Superior Court to the plaintiffs' state claims
18 that are remanded by this Court; and
19

20 8. Following transfer, the District Court Clerk shall close the file.

21 IT IS SO ORDERED. Dated this 14th day of June, 2006.

22 UNITED STATES DISTRICT COURT

23 s/Lonny R. Suko

24 _____
25 Hon. LONNY R. SUKO, District Court Judge

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27 Order re. stipulation for remand, dismissal of
28 federal claims, etc. - 3

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